

SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO BIDDERS

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SECTION L - INSTRUCTIONS, CONDITIONS, AND NOTICES TO BIDDERS

L.1 FAR 52.204-7 SYSTEM FOR AWARD MANAGEMENT (JUL 2013)

L.2 FAR 52.215-1 INSTRUCTIONS TO OFFERORS - COMPETITIVE ACQUISITION (JAN 2004)

L.3 FAR 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates a single award of an Indefinite Delivery/Indefinite Quantity (IDIQ) contract for which Firm Fixed Price and Time-And-Materials Task Orders may be issued throughout the period of performance of the contract.

L.4 FAR 52.216-29 TIME –AND–MATERIALS LABOR-HOUR PROPOSAL REQUIREMENTS – NON-COMMERCIAL ITEM ACQUISITIONS WITH ADEQUATE PRICE COMPETITION (FEB 2007)

L.5 FAR 52.222-22 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)

L.6 FAR 52.222-24 PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (FEB 1999)

L.7 FAR 52.222-46 EVALUATION OF COMPENSATION FOR PROFESSIONAL EMPLOYEES (FEB 1993)

L.8 FAR 52.232-13 NOTICE OF PROGRESS PAYMENTS (APR 1984)

L.9 FAR 52.233-2 SERVICE OF PROTEST (SEP 2006)

- (a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from:

U.S. Department of Energy
Environmental Management Consolidated Business Center
250 East 5th Street, Suite 500
Cincinnati, OH 45202
Attn: Matthew Carpenter, Contracting Officer

Telephone: 513-744-0974
E-mail: matthew.carpenter@emcbc.doe.gov

- (b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

L.10 FAR 52.237-10 IDENTIFICATION OF UNCOMPENSATED OVERTIME (OCT 1997)

L.11 FAR 52.247-6 FINANCIAL STATEMENT (APR 1984)

L.12 FAR 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The Offeror is cautioned that the listed provisions may include blocks that must be completed by the Offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the Offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es): <http://www.acquisition.gov/far/>

L.13 DEAR 952.233-2 SERVICE OF PROTEST

As prescribed in 48 CFR 933.106(a), add the following to the end of the provision at FAR 52.233-2:

- (c) Another copy of a protest filed with the General Accounting Office shall be furnished to the following address within the time periods described in paragraph (b) of this clause: U.S. Department of Energy, Assistant General Counsel for Procurement and Financial Assistance (GC-61), 1000 Independence Avenue, S.W., Washington, DC 20585, Fax: (202) 586-4546.

L.14 DEAR 952.233-4 NOTICE OF PROTEST FILE AVAILABILITY (SEP 1996)

- (a) If a protest of this procurement is filed with the General Accounting Office (GAO) in accordance with 4 CFR Part 21, any actual or prospective Offeror may request the Department of Energy to provide it with reasonable access to the protest file pursuant to FAR 33.104(a)(3)(ii), implementing section 1065 of Public Law 103- 355. Such request must be in writing and addressed to the contracting officer for this procurement.
- (b) Any Offeror who submits information or documents to the Department for the purpose of competing in this procurement is hereby notified that information or documents it submits may be included in the protest file that will be available to actual or prospective Offerors in accordance with the requirements of FAR 33.104(a)(3)(ii). The Department will be required to make such documents available unless they are exempt from disclosure

pursuant to the Freedom of Information Act. Therefore, Offerors should mark any documents as to which they would assert that an exemption applies. (See 10 CFR part 1004.

L.15 DEAR 952.233-5 AGENCY PROTEST REVIEW (SEP 1996)

Protests to the Agency will be decided either at the level of the Head of the Contracting Activity or at the Headquarters level. The Department of Energy's agency protest procedures, set forth in 933.103, elaborate on these options and on the availability of a suspension of a procurement that is protested to the agency. The Department encourages potential protesters to discuss their concerns with the contracting officer prior to filing a protest.

L.16 DEAR 952.219-70 DOE MENTOR-PROTÉGÉ PROGRAM. (MAY 2000)

L.17 OFFER ACCEPTANCE PERIOD

The Offeror's proposal shall be valid for 270 calendar days after the required due date for proposals.

L.18 NUMBER OF AWARDS

It is anticipated that there will be a single award resulting from this solicitation. However, the Government reserves the right to make any number of awards, or no award, if considered to be in the Government's best interest to do so.

L.19 SMALL BUSINESS SIZE STANDARDS AND SET-ASIDE INFORMATION

This acquisition is set aside for small business. The North American Industry Classification System (NAICS) Code is 562910, Environmental Remediation Services. The size standard for NAICS Code 562910 is 500 employees.

L.20 FALSE STATEMENTS

Proposals must set forth full, accurate, and complete information as required by this solicitation (including attachments). The penalty for making false statements in proposals is prescribed in 18 U.S.C. § 1001.

L.21 EXPENSES RELATED TO OFFEROR SUBMISSIONS

This solicitation does not commit the Government to pay any costs incurred in the submission of any proposal or bid, or in making necessary studies or designs for the preparation thereof or for acquiring or contracting for any services relating thereto.

L.22 GUIDANCE FOR PROSPECTIVE OFFERORS - IMPACT OF TEAMING ARRANGEMENTS ON SMALL BUSINESS STATUS

- (a) This procurement has been set aside for small business. In order to ensure that award is made to an eligible small business, prospective Offerors, in consultation with legal counsel, are encouraged to review the Small Business Administration's (SBA's) size eligibility standards found at Title 13 of the Code of Federal Regulations, Section 121 (13 C.F.R. § 121). In particular, Offerors proposing a joint venture, subcontracting, or another form of teaming arrangement should review 13 C.F.R. § 121.103, "How does SBA determine affiliation?" prior to submitting a proposal.
- (b) The SBA is the sole authority for making determinations of small business status for small business programs. Such determinations are binding on the Offeror and the Contracting Officer. Accordingly, a finding by the SBA of affiliation between an Offeror and its proposed team member(s) or subcontractor(s) may result in the Offeror being found to be other than a small business and therefore ineligible for contract award.
- (c) Business concerns are considered to be affiliates of each other if either one directly or indirectly controls or has the power to control the other, or if another concern controls both. In determining whether affiliation exists, factors such as common ownership (stock ownership or options, convertible securities and agreements to merge), common management, and contractual relationships are considered. An Offeror will also be found to be affiliated with its subcontractor(s) if the Offeror is unusually reliant upon its subcontractors or if the subcontractor(s) will perform primary and vital requirements of a contract.
- (d) The SBA has issued several decisions concerning its evaluation of affiliation of an Offeror and its proposed subcontractor(s). The following examples set forth characteristics that the SBA has reviewed in considering the question of affiliation and may assist prospective Offerors in developing any teaming arrangements and their proposals.
 - (1) The SBA considers whether proposed subcontracting, partnership, joint venture, or other teaming arrangements contain discrete descriptions of the tasks or work to be performed by each party. The SBA considers whether the Offeror or, if the Offeror is a joint venture or partnership, the joint venture participants or partners, perform the primary or vital portions of the Statement of Work. The SBA considers whether teaming arrangements clearly set forth the relationship between the parties, as well as the individual roles and responsibilities assigned.
 - (2) The SBA considers whether there is a clear separation of facilities, employees, and management (decision-making authority) between the

Offeror and any entities with which it has teaming arrangements.

- (3) The SBA considers the extent to which the Offeror directly employs Key Personnel (Program Manager, Project Manager, etc.).
- (4) If the Offeror is an eligible small business prime contractor, the SBA considers whether the majority of the technical expertise resides with the Offeror. If the Offeror is an eligible joint venture the SBA considers whether the majority of the technical expertise resides among the joint venture members.
- (5) The SBA considers the Offeror's profit sharing arrangements with its proposed subcontractor or other entities.
- (6) In reviewing affiliation between the Offeror and its proposed subcontractors or entities with which the Offeror has a teaming arrangement, SBA considers the previous contractual or business relationships between the Offeror and that entity.

L.23 NOTICE OF INTENT - USE OF NON-FEDERAL EVALUATORS AND ADVISORS

The Government intends to utilize non-federal advisors for evaluating proposals received in response to this solicitation. Such evaluators and/or advisors shall be required to sign Nondisclosure Agreements in accordance with DEAR 915.207-7-(f) (6).

Under the statutes governing Procurement Integrity, non-federal advisors may not disclose any information learned by participating in this acquisition. Any company that employs such an individual, after his or her service as an advisor, cannot lawfully seek procurement-sensitive information, any attempt to do so constitutes a violation of the Procurement Integrity Act, 41 U.S.C. § 423.

L.24 RFP AND AMENDMENT(S) DISTRIBUTION

In order to further the Government policy of maximizing electronic commerce and minimizing acquisition process costs, electronic media will be used to distribute the RFP and amendments to the public. The RFP and any amendments will be posted via the FedConnect website at:

<https://www.fedconnect.net/FedConnect/Default.htm>

The FedConnect electronic medium will constitute the official distribution method for this RFP.

The RFP, any amendments, and questions and answers will also be posted to the

website at: <https://www.emcbc.doe.gov/SEB/LANLNRDA>. Offerors and all other interested parties shall maintain continual surveillance of the websites to remain abreast of the latest available information. No other communication, whether oral or in writing, will modify or supersede the terms of the RFP.

The only method by which any term of the solicitation may be modified is by formal amendment to the solicitation generated by the issuing office.

L.25 PROPOSAL PREPARATION INSTRUCTIONS - GENERAL

- (a) General. Proposals are expected to conform to solicitation provisions and be prepared in accordance with this section. To aid in evaluation, the proposal must be clearly and concisely written as well as being neat, indexed (cross-indexed as appropriate) and logically assembled. All pages of each part must be appropriately numbered and identified with the name of the Offeror, the date, and the solicitation number.

The term "Offeror" as used in this Section L refers to the single legal entity submitting the offer which may be a "contractor team arrangement" as that term is defined in FAR 9.601.

- (b) Proposal Delivery. Hard copies of proposals shall be submitted to and marked as follows:

FROM: <Offeror insert applicable information>

TO:

The U.S. Department of Energy (DOE)
Environmental Management Consolidated Business Center (EMCBC)
250 E. Fifth Street, Suite 500
Cincinnati, Ohio 45202

RFP No: DE-SOL-0006102

Proposal Due Date and Time: January 5th, 2015 – 4:00 p.m. EST

Attention: Matthew Carpenter, Contracting Officer

**NOTICE TO DOE MAIL ROOM: DO NOT OPEN. THIS IS A
PROPOSAL UNDER THE ABOVE-IDENTIFIED SOLICITATION**

Note: Offerors hand carrying proposals to the above address must telephone the

Contracting Officer one business day in advance to arrange delivery.

If the Offeror elects to forward the Offer by means other than the U.S. Mail, it assumes the full responsibility of insuring that the Offer is received at the

place and by the date and time specified in this solicitation. Facsimile or electronic commerce offers will not be accepted. Hand carried package(s) may only be delivered during the hours 8:00 a.m. to 4:00 p.m. local time on Federal workdays. Delivery to any other location than that specified herein is unacceptable.

- (c) Overall Arrangement of Proposal. The overall proposal shall consist of three (3) physically separated volumes, individually entitled as stated below. Each volume shall contain a Table of Contents and a Glossary of Abbreviations and Acronyms. The required number of volumes of each proposal is shown below. Offerors shall not cross-reference to other volumes of the proposal and shall provide complete information within the appropriate volume. Information required for proposal evaluation, which is not found in its designated section, may result in an unfavorable evaluation. All cost and pricing information shall be submitted and addressed ONLY in the Cost and Fee Proposal Volume III, unless otherwise specified. This solicitation requires Offerors to submit its entire proposal in writing and electronic format as follows:

Proposal Volume — Title	Copies Required
Volume I - Offer and Other Documents	1 original, 3 copies and 5 CD-ROM
Volume II - Technical Proposal	1 original, 3 copies and 5 CD-ROM
Volume III – Cost Proposal	1 original, 3 copies and 5 CD-ROM

The cover and outside of each CD-ROM must clearly identify the volume to which it relates. Electronic media versions of proposal files are to be formatted in Adobe Acrobat 6.0 (PDF) or higher (note additional requirements in Section L.28, Instructions for Preparing Cost Proposals – Volume III. for cost proposal information). The electronic media versions provided shall be searchable. The CD-ROMs are provided for SEB evaluation convenience only. The written material constitutes the official offer and proposal. In the event of a conflict, the written material takes precedence over the CD-ROM text.

- (d) Page Limitation. Volume II will be limited to 30 pages. Volume I and Volume III have no page limitations. Volume II proposals will only be read and evaluated up to the page limitation specified in Section L.27. Pages exceeding the page limitation will not be read or evaluated. The Attachment L-3, Key Personnel Resume Format, for the Lead Environmental Scientist shall not exceed two (2) pages and the resume for the Program Manager shall not exceed three (3) pages (page limits for resumes do not include the letters of commitment). Attachment L-4, Relevant Experience and Past Performance Reference Information Form, shall not exceed three (3) pages.

- (e) Page Count Exceptions. The Table of Contents, Title Pages, Glossary, Dividers/Tabs, Blank Pages, Cross Reference Matrix, Key Personnel resumes, Key Personnel Letters of Commitment, Past Performance and Relevant Experience Reference information Forms and Schedules provided with the Sample Task.
- (f) Glossaries. Each volume shall contain a glossary of all abbreviations and acronyms used, including a definition for each.
- (g) Binding and Labeling. Each volume shall be separately bound in three-ringed loose-leaf binders. Staples shall not be used. The outside front cover of each binder shall indicate the Offeror's name, the solicitation number, the title of the solicitation, and the copy number (i.e., sequentially number the required copies with the original being Titled "Original"). The same identifying data shall be placed on the spine of each binder to facilitate identification and accountability when placed in a vertical position. Pages shall be numbered sequentially by volume and by individual sections within each volume.
- (h) Page Description. Page size shall be 8.5 x 11 inches, not including foldouts. Page margins shall be a minimum of one inch at the top, bottom and each side. Pages shall be double sided. Two columns of text per page and use of bold-faced type are acceptable. The solicitation number, page number, date, name of Offeror, and the legend at FAR 52.215-1(e), "Restriction on Disclosure and Use of Data," as appropriate, shall be provided on each page and is the only information that can be displayed within the one inch top, bottom, and side margins. A font size smaller than that which is described in the text below, can be used for this information; however, other text reductions are unacceptable.

Graphs, tables and spreadsheets where necessary must be 10 point or larger Arial or Times New Roman font type. All other text must be typed using 12 point (or larger), single-spaced, and using Arial or Times New Roman font type. Foldouts of charts, tables, diagrams or design drawings shall not exceed 11 x 17 inches. Foldout pages shall fold entirely within the volume. Page margins for the foldouts shall be a minimum of one inch at the top, bottom and each side. Foldouts may only be used in the Technical Volume for schedules and may be used in the Cost Volume for schedules, large tables, charts, graphs, diagrams and other schematics.

- (i) Table of Contents. The Offeror shall incorporate a table of contents into each proposal volume, which identifies the section, sub-section, paragraph titles, and page numbers. Also include a list of all tables and figures.
- (j) Cross-Reference Matrix. The Offeror shall provide a Cross-Reference Matrix which correlates the proposal by page and paragraph number to the Performance Work Statement (PWS), Section L, and Section M. The Cross-

reference Matrix shall be inserted in the Offeror's proposal immediately following the Table of Contents for Volume II.

- (k) **Classified Information.** The Offeror shall not provide classified information in response to this solicitation.
- (l) **Point of Contact.** The CO is the sole point of contact during the conduct of this procurement.
- (m) **Errors or Omissions.** The solicitation is considered complete and accurate in every detail and adequately describes the Government's requirements. If the Offeror feels any part of the solicitation contains an error or omission, contact the CO to obtain clarification. To preclude unnecessary work and to ensure submittal of a complete proposal, the Offeror is cautioned to resolve all questionable areas with the CO.
- (n) **Changes to the Solicitation.** No changes to this solicitation will be effective unless they are incorporated into the solicitation by amendment.
- (o) **Information Provided.** The Government will evaluate on the basis of information provided in the proposal. The Government will not assume that an Offeror possesses any capability unless such a capability is established by the information provided in the proposal.
- (p) **Alternate Proposals.** Alternate proposals are not solicited or desired and will not be evaluated or accepted.
- (q) **Joint Ventures and/or LLCs and/or Any Other Teaming Arrangements.** Offerors who submit a proposal as one of the above shall provide full and complete information on each of the participating members/companies, as well as the proposed organization itself. The Offeror shall provide copies or drafts of the applicable joint venture and/or LLC agreements, any applicable mentor/protége agreements or arrangements, and/or arrangements with subcontractors. After award, DOE reserves the right to require consent to subcontract(s) for each of the proposed subcontractors or participating members/companies in accordance with FAR 52.244-2, Subcontracts (Section I).
- (r) **Reading Room(s).** An electronic reading room is available at <https://www.emcbc.doe.gov/SEB/LANLNRDA>
- (s) **Internet Sites.** The Internet sites referenced throughout the solicitation can be found at the locations listed below:
 - Department of Energy Acquisition Regulation (DEAR) Clauses and Provisions: <http://energy.gov/management/downloads/searchable->

electronic-department-energy-acquisition-regulation

- FedConnect: <https://www.fedconnect.net/FedConnect/>
- Federal Acquisition Regulation (FAR) clauses and provisions and Federal Acquisition Circulars (FACs) which contain the most recent changes to the FAR: <https://www.acquisition.gov/far/>
- Federal Business Opportunities (FedBizOpps): <http://www.fbo.gov/>

(t) Disposition of Proposals. Proposals will not be returned.

L.26 PROPOSAL PREPARATION INSTRUCTIONS - OFFER AND OTHER DOCUMENTS - VOLUME I

(a) General

Volume I, Offer and Other Documents consists of the actual offer to enter into a contract to perform the desired work. Offerors shall assemble the information for Volume I organized in the sections as discussed below.

(b) Format and Content

Volume I, Offer and Other Documents, must include the following documents (in the order listed):

- (1) Standard Form (SF) 33, Solicitation, Offer and Award. The Standard Form 33 shall be fully executed by an authorized representative of the Offeror. The person signing the Proposal Form must have the authority to commit the Offeror to all of the provisions of the proposal, fully recognizing that the Government has the right, by terms of the solicitation, to make an award without further discussion if it so elects. The acceptance period entered on the Proposal Form by the Offeror must not be less than that prescribed in the solicitation provision entitled "Offer Acceptance Period", which must apply if no other period is offered. This execution shall include acknowledgement of all amendments. This form shall be used as the cover sheet of each copy of Volume I, Offer and Other Documents.
- (2) Additional Offeror Representations, Certifications, and Acknowledgments (other than those executed in the System for Award Management (SAM)). Representations, Certifications and Other Statements of the Offeror (Section K) shall be fully executed by an authorized representative of the Offeror.

- (3) Exceptions and Deviations. Exceptions and/or deviations are not sought and the Government is under no obligation to enter into discussions. However, any exceptions and/or proposed deviations taken to the terms and conditions of the proposed contract shall be identified. The exceptions and proposed deviations should be listed in a logical sequence such as by individual sections of the solicitation. Any exceptions, deviations, or conditional assumptions to the terms of this solicitation may make the offer unacceptable for award without discussions. If an Offeror proposes exceptions to the terms and conditions of the solicitation, DOE may make an award to another Offeror that did not take exceptions and/or deviations to the terms and conditions of this solicitation.
- (4) Recognition of Performing Entity. Offerors shall designate all entities that are proposed to perform work under the contract that are a part of the proposal upon which any contract award would be based. This includes subcontractors, joint venture members, parent(s), LLC members, etc. The Offeror shall provide copies or drafts of the applicable joint venture and/or LLC agreements, any applicable mentor/protégé agreements or arrangements, and any agreements and/or arrangements with subcontractors regarding the nature and extent of the work to be performed under this solicitation. DOE reserves the right to require consent to subcontract for each of the proposed subcontractors or participating members/companies in accordance with FAR 52.244-2, Subcontracts (Section I).
- (5) Equal Employment Opportunity. The Offeror shall provide all of the information required to perform a pre-award on-site equal opportunity compliance evaluation in accordance with FAR 52.222-24. This information shall include, but not be limited to, the company name, address, phone number and the point of contact for equal employment opportunity matters. This information shall be provided for the Offeror, as well as, each joint venture member; members of a newly formed entity, including LLCs, formed for the purpose of performing this contract, or members of similar entities.
- (6) Organizational Conflicts of Interest Disclosure. The Offeror, including any entity comprising the teaming arrangement thereof as defined by FAR 9.601 as well as any subcontractor(s), shall identify in a statement any existing or potential OCI as defined in FAR Part 9.5 “Organizational and Consultant Conflicts of Interest,” and outlined in detail in DEAR 952.209-8 “Organizational Conflicts of Interest Disclosure.” If the Offeror believes there is an existing or potential OCI, the Offeror shall submit an appropriate mitigation plan. If the Department identifies an existing or potential OCI, the Offeror shall submit any information requested by the Department, including a mitigation plan.

- (7) Contractor Compliance with Limitations on Subcontracting. In order to determine the Offeror's compliance with the Limitations on Subcontracting (FAR 52.219-14), the Offeror shall provide a chart breaking out the work areas, labor categories, and any associated labor hours to be performed by each entity (prime and each subcontractor).
- (8) Amendments to the RFP. Offeror shall provide a statement acknowledging receipt of all amendments to the solicitation.
- (9) Rights to Proposal Data. A listing of proprietary data, if any, in the Offeror's proposal where FAR 52.227-23, Rights to Proposal Data (Technical), shall apply.
- (10) Automated Clearing House (ACH) Form. The Offeror shall provide a completed Automated Clearing House (ACH) Form, Attachment L-7.
- (11) Performance Guarantee. A fully completed and executed Section J, Attachment E, titled, Performance Guarantee Agreement, from the ultimate corporate parent(s), which will become part of the resulting Contract as Section J, Attachment E. If the Contractor is a joint venture, Limited Liability Company (LLC), or other similar entity where more than one company is involved in a business relationship, the parent companies of the Contractor shall all provide guarantees. In order to consider the financial or other resources of the corporate parent(s), the parent(s) must be legally bound to provide the necessary resources to the Contractor and assume all contractual obligations of the Contractor.
Note: the Attachment E shall only be completed if the Contractor is a joint venture, limited liability company, other similar entity or a newly formed entity.
- (12) Additional Information. If the address shown on the SF 33 is different from the remittance address, it shall be provided along with any other information the Offeror needs to bring to the attention of the Government.

L.27 PROPOSAL PREPARATION INSTRUCTIONS - TECHNICAL PROPOSAL - VOLUME II

The Technical Proposal consists of written information intended to present the Offeror's understanding, capabilities, and approach to satisfy the requirements of the PWS and the Sample Task. The Technical proposal shall not exceed thirty (30) pages for Criterion 1 and Criterion 2; pages in excess of this will not be evaluated. For each Experience and Past Performance Reference Information Form, Attachment L-4, submitted in accordance with Criterion 3 and Criterion 4 below, Part A of the form is limited to three (3) pages; Part B of the form has no page limitation. No cost information shall be included in the Technical Proposal.

Estimated labor hours, skill mixes and any required materials shall be provided for the Sample Task, without associated cost, in the technical proposal.

The format and content of Volume II, Technical Proposal, shall consist of the following:

(1) Criterion 1 Technical Approach to the Sample Task

The Offeror shall describe its approach to meet the requirements stated in the Sample Task found in Section L, Attachment L-1. Include a discussion of the intended process to accomplish the work and describe how the work will be performed to maintain quality results and enhance the objectives of the LANL NRDA. NOTE: For purposes of the Sample Task, the Offeror need only provide summarized contents of each of the deliverables/reports identified in the Sample Task as well as a listing and summarized contents of other documents/reports that the Offeror proposes in its approach as necessary to meet the requirements identified in the Sample Task.

The Offeror shall discuss their understanding and approach to the following activities for the Sample Task found in Section L, Attachment L-1:

- **Technical Approach to execute Sample Task Requirements**

The Offeror shall describe its technical approach to planning and executing a compliant Type B Natural Resources Damages Assessment for groundwater at LANL. The Offeror shall describe the technical approach to identifying and quantifying groundwater natural resource injuries in the assessment area. The Offeror shall include their approach and capability to evaluate existing data, developing and executing plans required to resolve data gaps, establishing baseline conditions, and quantifying service losses (including tribal services losses) and quantification of damages resulting in the development and approval of a Report of Assessment and Restoration Compensation Determination Plan. The Offeror shall also describe decision-making strategies that will be used to guide the Los Alamos National Laboratory Trustee Council (LANLTC) during the course of the Sample Task activities with any innovative suggestions to optimize the work and reduce the overall timeframe required to perform the assessment of groundwater and meet schedule deliverables with the constraint obtaining approval by the multiple governmental entities comprising the LANLTC. The Offeror shall also include approach to interfacing with LANLTC Members individually and in group settings, Los Alamos National Security LLC., and other LANL site contractors in the performance of the Sample Task.

- The Offeror shall provide a detailed staffing plan that provides qualified staff to safely and effectively perform all elements of the Sample Task.

- Approach to management and analysis of large amounts of environmental data

This includes providing the approach for managing and analyzing 11+ million environmental data sets contained in Intellus, as well as evaluation of existing reports on natural resources and environmental cleanup.

- Approach to Quality Assurance Requirements

This means providing an approach to meeting the quality assurance requirements applicable to this Sample Task, as well as developing an approach to dealing with data quality assurance flags and non-detects contained in Intellus.

- Approach to meeting schedule commitments, sequence of activities and milestones, including integration of the LANLTC internal approval and public review and comment prior to final release of deliverables for Sample Task.

This includes the plan to optimize schedule to meet milestones with the constraint of gaining approval from federal, state, and tribal governments that comprise the LANLTC.

- Technical approach to achieving groundwater assessment requirements under control of tribal governments.

This includes providing an approach to accomplish Sample Task requirements for conducting NRD assessment activities for tribal governments comprising the LANLTC.

(2) Criterion 2 - Key Personnel, Management Approach, Organization and Staffing

The Offeror shall describe its organizational structure and approach to include the following:

- The Offeror shall describe its plan to staff the teams for Task Orders including the resources and expertise to assist in resolution of technical issues/problems and the integration of subcontractors and, if a joint venture or a newly formed entity each member, into a cohesive organization. The organizational plan shall include the types of people and rationale for the organizational structure. The Offeror shall clearly identify and define the portion of work to be performed by each entity (Offeror, subcontractors, and/or members of joint ventures or LLC) under the Offeror's proposed approach to complete the work identified in the PWS for this solicitation.

- The Offeror shall describe any innovations in relation to their management approach or organizational structure that will enhance the work or optimize the assessment schedule and cost of assessment. This means providing innovative approaches to conducting a type B Natural Resource Damage Assessment that will meet the intent of the regulation but will optimize cost, schedule, and technical requirements in the PWS. The Offeror shall propose any innovative approaches to handling the complex nature of the Assessment in relation to LANLTC and points of view represented by each member.
- The Offeror shall describe their management approach to performing PWS requirements for resource areas not within trust and control of the current Trustee Council entities.
- The Offeror shall describe their management approach to performing NRDA for lost tribal human services of injured resources.
- The Offeror shall describe their management approach to assure protection of sensitive and confidential tribal cultural information.

The Offeror shall propose a Program Manager and a Lead Environmental Scientist as Key Personnel and shall describe each requisite individual's relevant knowledge and experience for executing the PWS. The Offeror shall include a rationale for the selection of the two individuals named as Key Personnel. The Offeror shall submit written resumes using the format provided in Section L, Attachment L-3 titled, Key Personal Resume Format, for the two proposed Key Personnel. The resumes shall describe the Key Person's suitability for the proposed position based on demonstrated leadership; demonstrated experience in performing work similar in size, scope and complexity to the individual's proposed duties and responsibilities in the PWS; and qualifications (e.g. education, certifications, licenses). The resumes shall describe the number of years of progressively responsible experience in a position, the number of people and size of programs managed, and capability to function effectively in his/her proposed position.

The resume for the Lead Environmental Scientist shall not exceed two (2) pages and the resume for the Program Manager shall not exceed three (3) pages.

The Offeror shall submit a signed letter of commitment from each proposed key person. The letter of commitment shall state, as follows:

"I hereby certify that the resume submitted as part of the proposal is true and correct, and

_____ *(insert name of individual proposed) will accept the proposed position of* _____ *(insert name of proposed position) if*

_____ *(insert name of Contractor) receives the award and will perform in the proposed position for a minimum of one year following award of the Contract”.*

Failure to submit a Letter of Commitment from either the Program Manager or the Lead Environmental Scientist and to provide resumes in the specified format for a Program Manager and a Lead Environmental Scientist may result in a lower evaluation rating for this factor or the Offeror’s proposal being eliminated from further consideration for award. Failure to propose a Program Manager and a Lead Environmental Scientist will result in the Offeror’s proposal being eliminated from further consideration for award.

(3) Criterion 3 – Relevant Experience

The Offeror, including each entity comprising the contractor team arrangement thereof as defined by FAR 9.601, shall provide a completed Attachment L-4, Relevant Experience and Past Performance Reference Information Form, for three (3) contracts/projects which have been completed within the last five (5) years or are in progress that are similar in size, scope and complexity to the functions that each entity is proposed to perform. Size is defined as dollar value and duration. Scope is defined as the type of work that is the same or similar to that identified in the PWS. Complexity is defined as performance challenges (planning and conducting assessment phase activities in natural resources damage assessments and injury quantifications at large sites and surrounding environments, planning and conducting natural resources damage assessments at sites that involve chemical and radionuclide contamination, managing and disseminating large amounts of field-collected environmental and natural resource data within very tight schedule constraints, and working on behalf of a natural resource trustee council consisting of federal, state, and tribal governments in their respective capacities as CERCLA natural resource trustees).

References should be provided solely for the work performed by the proposing division of the Offeror’s company. The Offeror shall identify the portion of the work (size, scope, and complexity) performed by the entity specified in the form.

The experience information for each of the referenced contracts shall identify the portion of the work that was performed by the entity being proposed to perform work under this contract. For example, if the Offeror was a partner company in an LLC or subcontractor during performance of the referenced contract, then the Offeror shall identify the portion of work the Offeror performed as a partner company or subcontractor during the referenced contract.

It is the Offeror’s responsibility to provide sufficient information to demonstrate the similarity of the work under each reference contract to the functions the entity is proposed to perform.

(4) Criterion 4 – Relevant Past Performance

The Offeror shall submit the following information as part of its proposal:

The contracts for which Past Performance information is submitted for the Offeror, including each entity comprising the contractor team arrangement thereof as defined by FAR 9.601, shall be the same contracts for which information is provided for Criterion 3 – Relevant Experience.

The Attachment L-5, Past Performance Cover Letter and Questionnaire shall be forwarded by the Offeror to the appropriate point of contact cited on their respective Attachment L-4, Relevant Experience and Past Performance Reference Information Forms, for only those contracts that are not with DOE's Office of Environmental Management (EM) and for which Past Performance information does not exist in the Past Performance Information Retrieval System (PPIRS). The point of contact for each of these contracts shall complete and forward the questionnaire directly to the Contract Specialist, identified in the Past Performance Cover Letter (Attachment L-5 (a)) prior to the closing date of the RFP. The contract information provided to the point of contact for completion of the questionnaire must be sufficient to enable cross-referencing between the Attachment L-4, Relevant Experience and Past Performance Reference Information Forms, and the returned questionnaires. The Offeror shall be responsible for following up with the reference points of contact and for ensuring that any required questionnaires are completed and returned to the DOE Contract Specialist on time. The Offeror may contact the Contract Specialist at the e-mail provided in this solicitation to confirm the receipt of any questionnaires.

On Attachment L-4 under item 14, the Offeror, each entity comprising the teaming arrangement, shall provide the past performance information for each referenced contract regarding any problems they encountered and the corrective actions that they took to resolve those problems. Instructions for each block are included on the second page of the form. The Offeror shall provide Attachment L-6, List of Terminated Contracts (partially or completely) within the past five (5) years with an explanation for the termination provided for the Offeror or other teaming participant. If the Offeror does not have any terminated contracts/projects to report, a blank form shall be submitted stating such.

Offerors are advised that the Government may contact any or all references in the proposal and other sources, including any Federal Government electronic databases, and that the information obtained may be used for the past performance evaluation.

As Past Performance Information is source selection information, the Government will only discuss past performance information directly with the Offeror, and if a joint venture or a newly formed entity, each member that is being reviewed. No past performance information may be discussed with the Offeror without the

subcontractor's permission. The Offeror should include a statement from the subcontractor that their past performance information may be discussed with the Offeror; otherwise, the information will not be discussed with the Offeror.

L.28 INSTRUCTIONS FOR PREPARING PRICE PROPOSALS – VOLUME III

The Offeror shall provide fully burdened labor rates for the proposed labor categories under the Sample Task, Attachment L-1, in accordance with the following instructions. The Offeror shall assume a start date of January 1, 2015 for the Sample Task:

- (1) All cost information shall be included in Volume III of the proposal. None of the information contained in Volume III should be included in any other proposal volumes unless specifically requested in the solicitation.
- (2) All pages in the Volume III Price Proposal, including forms, tables, and exhibits must be numbered and identified in a volume table of contents. The cost proposal shall be sufficiently complete so that cross referencing to other proposal volumes is not necessary. **There is no page limitation on the cost proposal.**
- (3) In addition to providing the fully burdened labor rates as part of Attachment L-1, the Offeror shall complete Attachment L- 2, Labor Rate Templates and Instructions - Sample Task. The Offeror shall include all labor categories required to complete the Section L-1 Sample Task, the number of DPLH associated with each proposed labor category and any other than direct labor costs proposed to complete the Sample Task. The Offeror shall provide a detailed Basis of Estimate related to the Sample Task technical approach, description how the Sample Task will be accomplished, including supporting rationale, for all proposed resources and proposed costs to complete the Sample Task. The Offeror shall complete Section J, Attachment D by incorporating the proposed labor categories and fully burdened rates used in Attachment L-2.

The Offeror shall provide labor categories with corresponding detailed position descriptions and minimum qualifications for each proposed labor category. The labor categories with corresponding detailed position descriptions and qualifications will be incorporated into the contract as Section J, Attachment D. DOE intends to use the labor categories provided as a basis for future task orders which may include a variety of different activities and assessments.

- (4) Assumptions shall be consistent with technical approach as well as the assumptions and information provided in the Sample Task (Attachment L-1).

If the assumptions differ, the Offeror shall provide an explanation regarding rationale for submitting differing assumptions.

- (5) Cost data must be fully supported, documented and traceable for all resources proposed, including but not limited to, base labor rates by labor category, proposed indirect rates and any proposed other than labor costs. Offerors shall identify the source of proposed information and which amounts in the cost proposals are based on actual and verifiable data and which elements are based on judgments. For amounts based on actual and verifiable data, evidence shall be included in the proposal. For amounts based on judgment, the Offeror shall provide and discuss the judgmental factors used to project from the actual and verifiable data to the estimated value. The Offeror shall provide the basis for the cost estimate for each element, that is, how the rates were developed, the indirect rates were calculated and developed, and the subcontractors/consultants, were selected.
- (6) The Offeror shall submit the cost portion of the proposal in hardcopy and electronic format (CD-ROM). Cost Proposal Information and any spreadsheets or mathematical computation shall be submitted using Microsoft Excel 2010 compatible software. The Offeror's Excel files shall be working versions including formulas and computations. A second electronic file shall be provided in Adobe Acrobat 6.0 (PDF) or higher. Any written text for the Volume III Cost Proposal shall be submitted using Adobe Acrobat 6.0 (PDF) or higher. The electronic media versions provided shall be searchable.
- (7) Responsibility Determination and Financial Capability: FAR 9.104(a), General Standards, requires that a prospective Offeror have adequate resources to perform the Contract or the ability to obtain them in order to be determined responsible. It is the Offeror's responsibility to demonstrate its financial capability to complete this Contract. Information provided by the Offeror shall include, but not limited to, the following:
 - a. Financial Statements (audited, if available) and notes to the financial statements for the last three (3) years;
 - b. The information in subparagraph (a) above for any subcontractors and if a joint venture or newly formed entity, each member;
 - c. The last three (3) annual reports for the Offeror, any subcontractors and if a joint venture or newly formed entity, each member

Using the above information and other information, the Government will make a FAR Part 9, Contractor Qualifications responsibility determination of the prospective awardees. The Government may request a financial capability review of each Offeror from the Defense Contract Audit Agency as part of the Government's consideration in making the responsibility determination.

- (8) Limitations on Subcontracting (FAR 52.219-14): In order to determine the Offeror's compliance with the Limitations on Subcontracting clause (FAR 52.219-14), the Offeror shall provide a chart breaking out the work areas, labor categories, and any associated full-time equivalent to be performed by each entity (prime and each subcontractor). As part of the price proposal, the Offeror shall also provide a written certification that it will comply with FAR 52.219-14 during the course of Contract performance.
- (9) The DOE may request additional supporting information for evaluation of cost in accordance with FAR 15.306(b).
- (10) The Offeror shall provide the following information related to its prospective accounting system:

If applicable, the Offeror shall provide a copy of the government approval/determination that its proposed accounting system is adequate for the identification and recording of cost under government reimbursable type contracts if the approval/determination was issued within the last three years. If the accounting system was deemed inadequate, provide the corrective actions that have or will be taken to correct the cited issues, including the implementation time for each action.

If applicable, the Offeror shall provide a copy of the most recent accounting system audit report on its proposed accounting system if the audit was performed within the past five years.

If applicable, the Offeror shall fully describe and explain any material changes made to the proposed accounting system since it was approved and/or audited.

If the proposed accounting system has not been formally approved by the government within the last three years and/or audited within the last five years, or an audit determined the accounting system to be inadequate, then the Offeror shall state this and provide responses to the following items:

1. Is the proposed accounting system in accordance with generally accepted accounting principles?
2. Does the accounting system include a timekeeping system that ensure proper accounting for and classification of employee labor by project/task?
3. Does the accounting system provide for identification and accumulation of material costs by project/task and by contract?
4. Does the accounting system provide for exclusion of costs charged to government contracts that are not allowable in terms of FAR 31 or other contract provisions?

5. Does the accounting system provide for segregation of direct costs from indirect costs?

L.29 QUESTIONS ON SOLICITATION

Offerors and interested parties are invited to submit questions regarding this solicitation process to the Contracting Officer at matthew.carpenter@emcbc.doe.gov . Questions will be answered as they are received and answers will be posted on the acquisition website. All questions shall only be submitted to above email address; questions will not be answered if submitted to any other email address. The Government shall not respond to questions submitted by telephone or in person at any time. Offerors are encouraged to periodically check the acquisition website to ascertain the status of any answers to questions, as hard copies will not be distributed. If the Government has not acknowledged receipt of your questions within three (3) days of submission, please contact the Contracting Officer, Matthew Carpenter (matthew.carpenter@emcbc.doe.gov) to confirm the questions have been received. **Questions submitted more than 10 calendar days after issuance of the solicitation may not be answered and may not be a basis for amending this solicitation.**

L.30 INTENTION TO PROPOSE

To enable us to anticipate the number of proposals to be evaluated, 10 calendar days before the proposal due date please submit the name, address and telephone number of your firm or organization and any subcontractors to matthew.carpenter@emcbc.doe.gov . If the proposal is to be submitted by a teaming arrangement, submit the above information for all members of the proposing team.

L.31 LIST OF SECTION L ATTACHMENTS

- L-1 Representative Sample Task
- L-2 Labor Rate Templates and Instructions – Sample Task
- L-3 Key Personal Resume Format
- L-4 Relevant Experience and Past Performance Reference Information Form
- L-5 Past Performance Letter and Past Performance Questionnaire
- L-6 List of Contracts Terminated For Convenience or Default
- L-7 Automated Clearing House (ACH) Form